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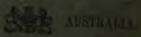
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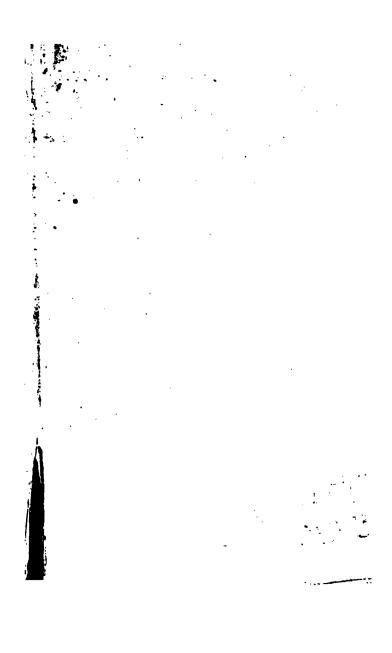


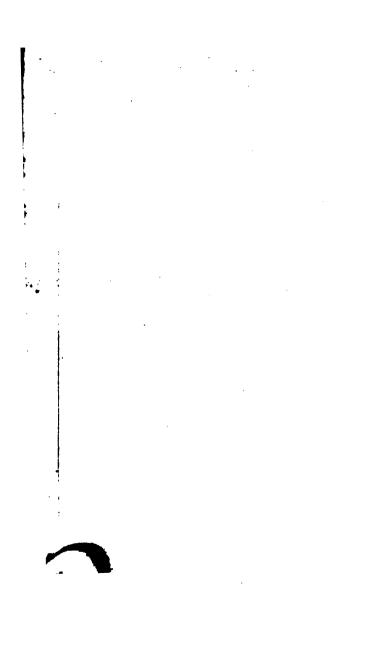


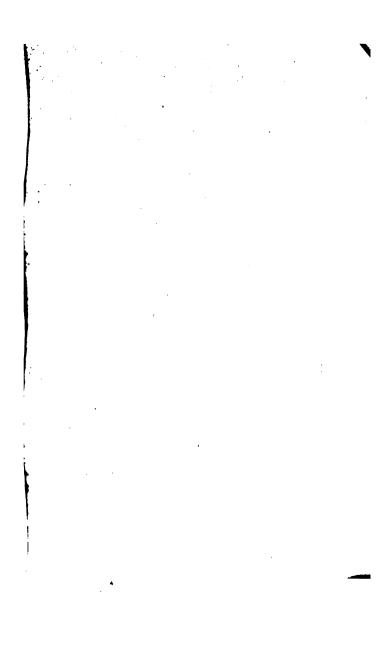
STANDING ORDERS.

LEGISLATIVE COUNCIL









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South



Australia.

# STANDING ORDERS

OF THE

## LEGISLATIVE COUNCIL.

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APPROVED BY THE GOVERNOR, 28TH NOVEMBER, 1861. AGREED TO BY THE LEGISLATIVE COUNCIL, 28TH NOVEMBER, 1861.

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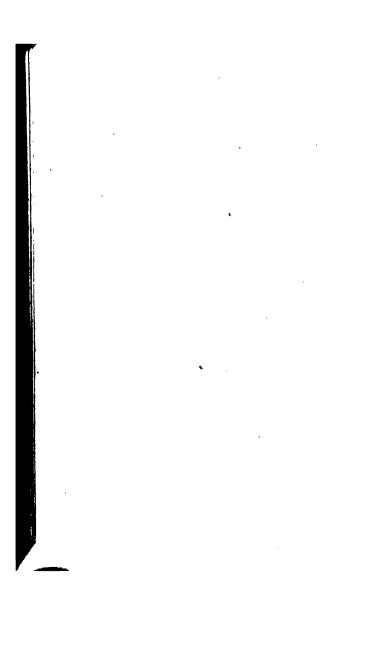
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- not disposed of to lapse.

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- 230. Members and officers of Council desired as witnesses by House of Assembly.

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## JOINT STANDING ORDER—Agreed to October 12, 1875.

Acts to be numbered consecutively.

Every Public Act of the Legislature, commencing No. 1 from the first day of January, 1875, shall be numbered in Arabic figures and in regular arithmetical series, in the order in which the same shall be assented to by His Excellency the Governor, or reserved by him for the signification of Her Majesty's pleasure thereon.

## SESSIONAL ORDER —July 31, 1873.

"Whenever there shall be only one Minister of the Government having a seat in this Council, he shall be allowed to speak once oftener than the Standing Orders permit."

[See Standing Orders Nos. 41 and 46.]

Legislative Council.

#### SOUTH AUSTRALIA.

### LEGISLATIVE COUNCIL.

## STANDING ORDERS.

APPROVED BY THE GOVERNOR, 28TH NOVEMBER, 1861. AGREED TO BY THE LEGISLATIVE COUNCIL, 28TH NOVEMBER, 1861.

# CHAPTER I.—PROCEEDINGS ON THE OPENING OF PARLIAMENT.

- 1. On the Council meeting for the dispatch read.

  of business, the Clerk shall read the Proclamation convening the Parliament, and the Council shall then await the arrival of the Governor, or the Commission representing him.
- 2. Immediately after the Opening of Par-Members to be liament, pursuant to Proclamation, new Members present shall be sworn.

President to be

3. If the office of President be vacant, the Council shall forthwith proceed to the election of a President.

A Member proposed as President. 4. A Member addressing himself to the Clerk shall propose another Member, then present, to the Council, and move that such Member "be President of the Council."

When unopposed, such Member conducted to the chair. 5. Such motion having been seconded, if no other Member is proposed as President, the Member so proposed shall be conducted to the chair without any question being put.

When election is opposed, mode of voting.

6. In the event of there being two Members proposed and seconded for the office of President, the votes shall be taken by each Member writing on a slip of paper the name of the Member for whom he votes, the Member obtaining the greatest number of votes shall be declared elected, and conducted to the chair as President; and if more than two Members have been so proposed, the votes shall be taken in like manner, and the Member who has the smallest number of votes shall be withdrawn, and the votes shall be taken for the remaining candidates in like manner, until the number be reduced to two: and of such two the Member in like manner obtaining the greatest

number of votes shall be declared elected, and conducted to the chair as President.

- 7. In the event of there being an equality Bquality of of votes, the Clerk shall declare such to be the case, and the votes shall be again taken, when if again there shall be an equality of votes, the Clerk shall determine, by lot, which cf the candidates, having the same number of votes, shall be withdrawn, as if he had obtained the least number of votes.
- 8. The Council will then proceed to deter-Members' Roll determined by mine, by lot, the order in which new Members lot. shall be placed on the Members' Roll, next after the names of the Members previously on the said Roll.
- 9. In the event of the election of a new Election of President, the Council will notify such election notified to the Governor, by a deputation of the said Council, at such time as he shall be pleased to appoint.
- 10. A copy of the Members' Roll, with the Members' Roll to be kept by Clerk. addition of the date of each Member taking his seat; and on his ceasing to be a Member, the date and cause thereof, shall be kept by the Clerk of the Council.

Reply to Governor's speech.

11. On the opening of each Session of Parliament, after the Governor's speech has been read, a Committee shall be appointed to prepare a reply thereto, which reply shall be taken into consideration on some day appointed for the purpose, and be presented to the Governor by the President, accompanied by the mover and seconder, and any other Members who may think fit to attend.

### CHAPTER II.—GENERAL CONDUCT OF BUSINESS.

Rules of Imperial Parliament to be observed.

12. In all cases not hereinafter provided for, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same are applicable to the proceedings of the Legislative Council.

President takes in a quarter of an hour, if a quorum not present.

13. The President shall take the chair at the chair, and adjourns Council the time appointed for the meeting of the Council; and if, at the expiration of a quarter of an hour after that time there be not present, including the President or the person chosen to preside in his absence, at least seven Members, the President shall declare the Council adjourned to the next sitting day; the names of the Members present being entered in the journals of the Council.

Names of Members present recorded.

14. If at any time after the commencement Adjournment after commenceof business there be not present, including the ment of business; names of President or the person chosen to preside in Members present recorded. his absence, at least seven Members, the President shall declare the Council adjourned to the next sitting day; and the hour at which such adjournment shall be made, and the names of the Members present shall be entered in the journals of the Council.

15. In case of the absence of the President Absence of Prein consequence of leave of absence granted to him by the Council, or of illness or other unavoidable cause, the Council shall choose some other Member thereof to fill temporarily the office, and perform the duties of the President during his absence; and such other Member shall, for the time being, have all the powers and authorities of the President.

- 16. Every call of the Council shall be made Call of Council. on motion duly moved and carried, and shall stand as an Order of the Day for the day appointed for such call; when the Clerk shall read over the names of all the Members of Council, recording who are then present and who are absent.
- 17. No order for a call of the Council shall Call of Council, be made for an earlier day than fourteen days

#### GENERAL CONDUCT

from the date of such order, inclusive of the day of such date.

Record of Members present to be inserted in Proceedings. 18. The Clerk of the Council shall keep a record of the names of all Members present during any part of each day's proceedings, such record to be appended to each day's Proceedings.

Records of Council. 19. All proceedings shall be noted by the Clerk of the Council, and shall constitute the permanent records of Council.

President puts question— "Aye" or "No."

20. The President shall, on every motion made and seconded, put the question first in the affirmative and then in the negative, and he may do so as often as may be necessary to enable him to form and declare his opinion from the sound of voices as to which party has the majority.

President states whether the "Ayes" or "Noes" "have it." 21. The President shall then state whether in his opinion the "Ayes" or the "Noes" have it," and if his opinion be not acquiesced in, the question shall be determined by a division. No member may speak to any question after the same has been put by the President,

No Member to speak after voices given.

and the voices have been given thereon.

Previous to division, bell to be rung.

22. Previously to any division being taken a bell shall be rung, and the doors shall be

locked so soon as two minutes have expired from the time of the ringing of such bell.

- 23. On a division the Ayes shall pass to the Division—right of the chair, the Noes shall pass to the given to Clerk. left of the chair, and the President shall appoint Tellers—one for either party—who shall make up their lists of the Members voting; and having signed such lists, shall deliver them to the Clerk to be handed to the President, who shall then declare the result of the division.
- 24. In case of confusion or error concerning New division in the numbers reported, unless the same can be otherwise corrected, the Council shall proceed to another division.
- 25. In case of equality of votes the Presi-President's castdent shall give a casting vote.
- 26. Previously to any division, strangers strangers withshall withdraw from the body of the Council locked during
  Chamber, and the doors be locked; after
  which no Member shall be allowed to enter
  or leave the Council Chamber until the numbers are declared.
- 27. An entry of the division lists shall be Division lists made by the Clerk in the journals.

  Division lists entered on record.

Divisions in Committee.

28. Divisions shall be taken in a Committee of the whole Council in the same manner as in the Council itself.

Members interested not to vote.

29. No Member shall be entitled to vote either in Council or Committee upon any question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

Members may require question to be stated.

30. Each Member may, of right, require the question or matter in discussion to be read for his information at any time during a debate. but not so as to interrupt a Member speaking.

Members to addressPresident places.

31. Every Member desirous to speak shall standing in their rise in his place uncovered, and shall address himself to the President.

Member sick or infirm to speak sitting.

32. By special indulgence of the Council, a Member unable conveniently to stand, by reason of sickness or infirmity, may be permitted to speak sitting and uncovered.

During division not to speak, except to order.

33. While the Council is dividing no Member shall speak except to a point of order.

Motion that a Member be now heard.

34. A motion may be made that any Member who has risen "be now heard," or "do now speak."

- 35. A Member may speak to any question Members to speak to the before the Council; or upon a question of Question. amendment to be proposed by himself; or upon a question of order arising out of the debate; or upon a question of privilege, but not otherwise.
- 36. At the time of giving notices of motion, equestions to questions may be put to the Ministers of the other Members. Crown relating to public affairs, and to other Members relating to any Bill, motion, or other public matter connected with the business of the Council in which such Member may be concerned.
- 37. In putting any question, no argument such question not opinion shall be offered, nor any facts stated, except so far as may be necessary to explain such question.
- 38. In answering any such question, a Mem- In hower to a question no argument to be offered.
- 39. By the indulgence of the Council, a Personal explanation. Member, may explain matters of a personal nature, though there be no question before the Council; but such matters shall not be debated.

President names a Member to be heard.

40. If two or more Members rise to speak at the same time, the President shall name the Member whom he first saw rising to speak, which Member shall be entitled to pre-audience.

No Member to speak twice except to explain.

41. No Member shall speak twice (except in Committees of the whole Council) on the same question, unless in explanation on some material point of his speech on which he had been misrepresented or misunderstood, and without introducing any new matter: vided, however, that the mover of any substantive motion be allowed the liberty of reply: Provided also, that it shall be competent to a Member, when he seconds a motion or amendment before the Council without speaking to it, to address the Council on the subject of such motion or amendment at any subsequent period of the debate: but a reply shall not be allowed to any Member who has moved an amendment, or an in-

Right of reply.

motion allowed to speak subsequently.

Seconder of

Mover of amendment, &c., not to reply.

Proceedings on question of order.

42. Upon a question of order being raised respecting the conduct of any Member, the Member called to order shall resume his seat, and immediately after the question of order has been submitted to the President, he shall

struction to a Committee.

give his opinion thereon without further discussion; but it shall be competent for any Member to take the sense of the Council after the President has given his opinion; and in that case Members may address the Council upon the question.

43. Every Member shall be uncovered when Members to he enters or leaves the Council, or moves to oil uncovered, any other part of the Council Chamber during sident. a debate, and shall make an obeisance to the chair on entering or leaving the Council, or passing in front of the chair.

enter, &c., Counand bow to Pre-

- 44. No Member shall pass between the Not to pass chair and any Member who is speaking, nor speaking and chair, &c. between Member between the chair and the table.
- 45. Every Member when he comes into the Members to take Council Chamber during the progress of business shall take his place.
- 46. No Member shall allude to any debate Not to allude to of the same Session upon a question or Bill Session except for explanation. not being then under discussion, except by the indulgence of the Council for personal explanation.
- 47. No Member shall read from a printed Not to read denewspaper or book the report of any speech Session. made in Parliament during the same Session.

Not to read newspapers, &c., referring to debates of present Session.

48. No Member shall read extracts from newspapers or other documents referring to debates in the Council during the current Session

Not to reflect on votes of the Council.

49. No Member shall reflect upon any vote of the Council, except for the purpose of moving that such vote be rescinded.

Not to allude to debates in the other House.

50. No Member shall allude to any debate in the other House of Parliament.

Not to use the Queen's name

51. No Member shall use Her Majesty's irreverently, &c. name, or the name of the Governor, irreverently, or to influence a debate.

Not to use offensive words against either House.

52. No Member shall use offensive words against either House of Parliament, nor against any statute, unless for the purpose of moving for its repeal.

Nor against any Member.

53. No Member shall use offensive or unbecoming words in reference to any Member of the Council.

Words taken down by direction of the President.

54. When any Member objects to words used in debate, and stating them, desires that they should be taken down, the President, if it appears to be the pleasure of the Council, shall direct them to be taken down by the Clerk accordingly.

- 55. In a Committee of the whole Council, Words taken when any Member objects to words used in mittee. debate, and stating them, desires that they should be taken down, the Chairman, if it appears to be the pleasure of the Committee, shall direct such words to be taken down, in order that the same may be reported to the Council on its resuming.
  - 56. Every such objection shall be taken at words to be objected to when the time when such words are used, and not used.

    after any other Member has spoken.
  - 57. Any Member having used objection-Member not explaining or able words and not explaining or retracting retracting. the same, or offering apologies for the use thereof to the satisfaction of the Council, may be censured or otherwise dealt with, as the Council may think fit.
  - 58. Members shall not prosecute any quarrel Council not to permit prosecutarising out of debates or proceedings of the tion of quarrels. Council, or any Committee thereof.
  - 59. No Member of the Council shall con-Members interverse aloud, or make any noise or disturbance may be censured. whilst any Member is orderly debating, or whilst any Bill, order, or other matter is being read or opened; and in case of such noise or disturbance being persisted in after

the President has called to order, the President shall call upon the Member making such disturbance, by name, and every such person may be censured by the Council.

Rules of order in Committee.

60. The several rules for maintaining order in debate shall be observed in every Committee of the whole Council.

Order to be maintained by President and Chairman of

61. Order shall be maintained in the Council by the President, and in a Committee of the Committees, &c. whole Council by the Chairman of such Committee: but disorder in a Committee shall only be censured by the Council on receiving a report.

President to be heard without interruption.

62. Whenever the President rises during a debate, any Member then speaking or offering to speak shall sit down, and the President shall be heard without interruption.

Member to withdraw when charge made against him.

63. Every Member against whom any charge has been made, having been heard in his place, shall withdraw while such charge is under debate.

Members speaking twice called to order. Explanations per-mitted, but not o interrupt.

64. The President shall, without waiting for the interposition of the Council, call to order any Member proceeding to speak a second time on the same question, except in

explanation, and without introducing any new matter; and where a Member is desirous to "explain," he shall not interrupt a Member speaking, but wait until he sits down. On the other Member sitting down, the Member desirous of explaining shall have precedence of other speakers,

- 65. No Member shall digress from the sub- Members to ject matter of the question under discussion, tion, not to allude or comment upon the words used by any other bates, or Member in a previous debate; and all impu-motives, or make personal reflectations of improper motives, and all personal tions. reflections on Members, shall be considered highly disorderly.
- impute improper
- 66. Whenever any Member shall make use Members reof any expression personal and disorderly, or draw improper expressions, and capable of being applied offensively to any apologize. other Member, the Member so offending shall be required forthwith to withdraw the expression, and to make a satisfactory apology to the Council.
- 67. A Member called to order by the Member called to President shall sit down unless permitted to explain.
- 68. When, in consequence of highly dis-Disorderly Memorderly conduct, the President shall call upon withdraw.

any Member by name, such Member shall withdraw as soon as he shall have been heard in explanation; and after such Member's withdrawal the Council shall at once take the case into consideration.

Members disobedient or interrupting business guilty of contempt.

69. Any Member or other person who shall wilfully disobey any lawful order of the Council, and any Member or other person who shall wilfully or vexatiously interrupt the orderly conduct of the business of the Council, shall be guilty of contempt.

Member not attending when summoned.

70. Any Member not attending in compliance with an order for a call of the House, without reasonable cause, shall be guilty of contempt.

Member absent without leave for more than a month guilty of contempt. 71. No Member, during the Session, shall absent himself for more than one calendar month at a time, without express leave of absence from the Council; and any Member wilfully infringing this order shall be guilty of contempt.

President to decide points of order.

72. If any difficulty arise on any point of order, the President shall take upon himself to decide it, subject, however, to the ulterior decision of the Council.

- 73. After a motion has been moved and Matter of privilege to have preseconded, and the question thereupon put cedence.

  from the chair, any question of order or any
  matter of privilege which may arise shall
  supersede the consideration of the original
  question, and must be first disposed of.
- 74. All petitions shall be introduced and Members to speak, &c., in motions made by Members in their places.
- 75. Every Member shall address the chair To address the when speaking, and every Member must speak' from his own proper place.
- 76. Whenever any matter of privilege Matters of privilege not to arises it shall be immediately taken into be postponed. consideration.
- 77. All motions, except motions in Com- Motions in Council to be mittee, shall be duly seconded before being seconded. put from the chair.
- 78. All matters connected with finance Finance to be considered in shall be discussed only in a Committee of the Committee. whole Council.
- 79. A Member moving an amendment shall Mover of an amendment not to have right of reply.

  Mover of an amendment not to have right of reply.
- 80. On days fixed for the consideration of Government business to have Government business, matters relating thereto precedence on shall take precedence of all other business.

Members guilty of contempt to be committed.

81. Any Member or other person declared guilty of contempt shall be committed, by warrant, under the hand of the President, to the custody of such person as the Council shall direct.

Scale of fees for commitment. &c.

82. The following scale of fees shall be payable on the arrest or commitment of any person by order of the Council; and no one shall, without the express direction of the Council, be discharged out of such custody until such fees be paid, or the Session of Parliament concluded :-

	20	٥.	u,
For arrest, such sum as may be fixed by the Council, not exceeding	50	0	0
For commitment, such sum as may be fixed by the Council, not exceeding	50	0	0
For each day's detention (including sustenance)	1	1	0

charges to exing Orders Committee.

Appropriation of All fees payable under this clause shall be penses of Stand-paid to the account of a fund, to be called the Legislative Standing Orders Fund, in the name of the Council, and shall be applied to such purposes as the Council shall direct, in discharge of any expenses connected with the Standing Orders Committee.

Motion to adjourn in order after quarter of an hour from to adjourn.

83. A motion that the Council do now adjourn shall always be in order, and if previous metion seconded shall be put from the chair, but no discussion shall take place thereon; but should a motion for adjournment be negatived, no new motion for adjournment shall be entertained within a quarter of an hour's interval from the preceding one.

84. The Member upon whose motion any Member moving debate shall be adjourned by the Council shall reopen debate. be entitled to pre-audience on the resumption of the debate, unless he has previously spoken on the question.

adjournment to

85. A debate on any question may be inter- Motion "to rupted by a motion "That the Council do now divide," which, being seconded, shall be put from the chair, but such motion shall not be made to interrupt a Member whilst he is speaking.

86. If a motion, "That the Council do now If motion "to divide," be carried, the Council shall vote on original question the question before them without further de- new motion to bate or amendment; but should a motion to quarter of an divide be negatived, no new motion to divide on the same subject shall be entertained until .a quarter of an hour after the preceding motion to divide shall have been negatived.

to be put. divide within a

87. All orders made by the Council for Orders for papers papers shall be communicated to the Chief Chief Secretary. Secretary by the Clerk.

Custody of documents in the Clerk.

88. The custody of all documents and papers belonging to the Council shall be in the Clerk, who shall not permit any to be removed therefrom without leave of the Council.

Council Papers to be furnished to House of Assembly.

89. Members of the House of Assembly shall be furnished with copies of all papers printed by order of the Council.

#### CHAPTER III.-MOTIONS.

Notice of motion. when given.

90. No notice of motion shall be received after the Council shall have proceeded to the consideration of any motion or order of the dav.

Motions not made without unopposed returns.

91. No Member shall make any motion but notice, except for in pursuance of notice openly given at a previous sitting of the Council, and duly entered on the notice paper; but, with leave of the Council, may move for unopposed returns.

Papers may be presented at any time.

92. Reports, returns, and other Parliamentary Papers, may be presented without comment at any time when other business is not before the Council.

Documents presented, and ordered to be printed.

93. It shall be in order, on the presentation of any document, to move without notice that it be printed.

94. Motions shall take precedence of orders motions to have precedence of of the day and be moved in the order in which orders of day; if not disposed of. they stand on the notice paper, and if not to lapse. moved shall be expunged therefrom.

95. Every Member in making a motion shall Motions to be in put it into writing and deliver it to the Presi- be altered except dent, who shall propose it when seconded to the Council. No motion shall be altered or withdrawn without leave of the Council.

96. No question shall be put or debated on Motion not put any motion unless seconded, except in Committee of the whole Council.

unless seconded.

- 97. An unopposed motion may be brought Motion without notice, if Council on by consent of the Council without previous unanimous. notice, but if any Member object thereto it shall not be proceeded with.
- 98. If all motions shall not have been dis- Motions posed of within one hour of the time fixed for the meeting of Council the debate thereon shall be adjourned, and the orders of the day taken in rotation: but if there should be no order of the day the discussion on motions may be continued. The debate on motions may be resumed after the orders of the day are disposed of, on motion to that effect being put and carried.

Papers from the Governor to be requested by Address. 99. Motions for production of Despatches or other correspondence addressed to the Governor, or for any information emanating from His Excellency, shall be in form "That an address be presented to His Excellency," to that effect.

Papers from any Department, form of motion. or other information from the several Departments of the Colonial Service, shall be in form "That they be laid on the table."

Motion not to be twice offered.

101. No motion shall be introduced similar in matter and import to any motion that has been rejected in the same Session.

#### CHAPTER IV .- PUBLIC BILLS.

Introduction of Public Bills. 102. Every Public Bill, except such as may be transmitted by Message from His Excellency the Governor, or sent from the House of Assembly, shall be introduced either by a motion for leave to bring in the Bill, specifying its title, or by a motion to appoint a Committee to prepare and bring it in; or by an order of the Council on the report of a Committee.

Member having leave to present fair copy. 103. The Member having leave to bring in a Bill shall prepare a draft of such Bill, with the necessary blanks, if any, to be filled up

- in the Committee; and shall, on an early day, present a fair copy thereof to the Council.
- 104. No clause shall be inserted in any Bill Clauses to agree with title of Bill, which shall be foreign to what the title of Eil, such Bill imports, and such matters as have no proper relation to each other shall not be intermingled in one and the same Bill.
- 105. No perpetual clause shall be inserted in any Bill the provisions of which are intended to be temporary, and the precise duration of Act to be of any such Bill shall be inserted in a distinct clause at the end thereof.
- 106. Every Bill not introduced, or prepared Bills not in order, to be with-pursuant to the Rules and Orders of the drawn.

  Council, shall be ordered to be withdrawn.
- 107. At the first and second reading of any Title only read at first and second Bill the title only shall be read by the Clerk, reading; no discussion at first and the first reading shall take place without reading. discussion.
- 108. Every Bill read a first time shall be Bills read first printed with as little delay as possible, and printed. two copies provided for each Member by the Clerk.
- 109. After the first reading of a Bill, a Day to be fixed future day shall be fixed, on motion, for its reading.

Bill to be committed, unless Committee.

110. After the second reading, unless the referred to Select Bill, on a motion for that purpose, be referred to a Select Committee, the Council shall appoint a day for resolving itself into a Committee of the whole Council for consideration of the Bill in detail.

Clauses in Committee considered separately, &c.

111. Bills committed to a Committee of the whole Council shall be debated clause by clause, the question being put on each, leaving the preamble and title to be last considered.

Reported Bill printed with amendments, may be recommitted and reprinted, &c.

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112. When a Bill shall have been reported with amendments, it may be ordered to be printed as amended, and on motion without notice be ordered to be read a third time on a future day; and when the motion is made for the Bill being read a third time, it may, on motion, be re-committed for further amendments, and when again reported with amendments, it may be again ordered to be printed as amended, and on motion without notice be ordered to be read a third time on a future day.

Report of Committee on a Bill.

113. When the Bill has been agreed to in Committee, it shall be reported, by the Chairman, to the Council, with or without amendments, as the case may be.

- 114. When a Bill is so reported the adop- Report of Committee adopted. tion of the report may be immediately moved, or a future day may be fixed for that purpose.
- 115. If the report be adopted, a future day Bill ordered to be read third time shall be fixed, on motion, for the third read- and printed. ing, and the Bill as reported shall in the meantime be printed.
- 116. Before a Bill shall be read a third Chairman to certify fair print. time, the Chairman of Committees shall certify that the amended print is in accordance with the Bill as reported.
- 117. On the third reading of the Bill, the Onthird reading, President shall announce that the amended unless Bill ordered to be read print has been so certified by the Chairman at length. of Committees, and the title only shall be read, unless on motion, without notice, it shall be agreed that the Bill be read at length.
- 118. No alteration or amendment, except Literal errors the correction of literal errors, shall be made third reading; in any Bill on the third reading—the question clause may be simply being that the Bill in its then shape be read a third time, but the addition of a clause may be made, such clause being already printed when presented to the Council, and if passed it shall be added to the Bill.

but new printed

Bill passed.

119. When a Bill shall have been read a third time it shall be delivered by the Clerk to the President, who shall put the question, "That this Bill do now pass, and that the title be, &c."

Passed Bill to be signed and dated.

120. When a Bill passes the Council, the President shall sign the same, and the Clerk shall certify the date of its passing at the foot of the Bill.

Bill rejected not again to be introduced.

121. When a Bill shall have been rejected. no Bill of the same matter and import shall be brought forward during the same Session.

When Bills may be opposed.

122. A Bill may be opposed at any reading except the first, and in every stage, or on the motion for its introduction.

Rills passed sent to House of Assembly by Message.

123. When a Bill shall have been passed, it shall be sent to the House of Assembly, with a message requesting their concurrence therein.

House of Assembly's amendin Committee.

124. When any Bill is returned to the ments considered Council with amendments, such amendments shall be considered in Committee of the whole Council.

125. Every public Bill sent to the Council Bills from House of Assembly to be dealt with as Le- by the House of Assembly shall be dealt with, in all respects, in its progress through the gislative Council Council as if it had been initiated in the Council, except that it may be immediately read a first time on motion without notice.

126. Provided that if any Bill so sent be a Legislative Bill by which an alteration in the Constitution proceed with Pill for alteration of of the Council or House of Assembly is pro-Constitution posed to be made, the Council will not proceed with such Bill unless the Clerk of the House of Assembly shall have certified upon the Bill, that the second and third readings have been passed with the concurrence of an absolute majority of the whole number of the Members of the House of Assembly.

Council will not unless certified.

127. Provided also, that if any Bill so sent Legislative be a Bill for the appropriation of any part proceed with Apof the Revenue, or of any tax, rate, duty, or unless certified. impost, the Council will not proceed with such Bill unless the Clerk of the House of Assembly shall have certified upon the Bill that the purpose of such appropriation had been recommended to the House of Assembly by the Governor during the current Session.

propriation Bill

128. If any Bill sent to the Council by the Schedule to be House of Assembly be amended, it shall be with Bills amenreturned to that House with a schedule of tive Council.

the amendments attached thereto, certified by the Clerk, and a message requesting concurrence therein.

House of Assembly Bills when passed to be returned.

129. Every Bill initiated in the House of Assembly shall, after having been finally passed by the Council, be returned to that House.

Legislative Council Bills when passed to be presented to sident.

130. Every Bill initiated in the Council. after having been finally passed by both Governor by Pre- Houses, shall be presented by the President to the Governor for Her Majesty's assent.

Bills not to be

131. No Bill shall be presented by the Presented by
President unless President for Her Majesty's assent until authenticated by the signature of the President as having finally passed both Houses.

Amendments proposed by Governor considered in Committee.

132. Whenever the Governor shall transmit by message to the Council any amendment which he shall desire to be made in any Bill presented to him for Her Majesty's assent, the amendment shall be considered by the Council, and, if deemed necessary, referred to a Committee of the whole Council, who shall thereupon consider the same, and also recommend such alterations in the Bill as may be necessary for incorporating the amendment therewith, and shall report such alterations to the Council.

133. Whenever the Council shall have Governor's amendments, agreed to any amendment proposed by the agreed to by Governor, such amendment, together with the Council, to be sent to House of alterations rendered necessary to be made in Assembly. the Bill presented to the Governor in consequence of such amendment, shall be forwarded to the House of Assembly for its concurrence.

134. Whenever any Bill by which an al- Passing of Bill teration in the constitution of the Legislative Constitution to be certified. Council or House of Assembly is proposed to be made, shall have passed its second and third reading in the Council, with the concurrence of an absolute majority of the whole number of the Members of the Council, the Clerk of the Council shall certify the fact on the Bill accordingly.

#### CHAPTER V.—PRIVATE BILLS.

135. Every petition for a Private Bill shall Petition for be signed by one or more of the parties apply- recite notice in Government Gaing for the Bill; and shall commence by set- zette, &c. ting forth, that within the three months previously to its presentation to the Council, public notice of the intention to apply for the Bill has been given once a week, for four consecutive weeks, in the South Australian Government Gazette, and in one or more

Private Bill to

public newspapers published in Adelaide, and shall also contain a true statement of the general objects of the Bill; and the production of the numbers of such Gazette and newspaper or newspapers shall be sufficient proof of that notice.

Leave to be moved for. 136. When the petition shall have been received, and the requisite notice proved, notice of motion for leave to bring in a Bill shall be given, as in the case of Public Bills.

Bill to be printed at expense of parties.

137. When leave to bring in a Private Bill shall have been obtained, and before it shall be read a first time, it shall be printed at the expense of the parties applying for it, and a sufficient number of copies delivered to the Clerk for the use of the Council; and, prior to its being printed, the Member having charge thereof shall give to the Clerk of the Council a guarantee for all expenses connected with the consideration of the Bill, and the Select Committee thereupon.

Referred to Select Committee.

138. When a Private Bill shall have been read a first time, it shall be referred to a Select Committee, who shall require proof of the allegations contained in the preamble.

Petitions against Bill referred to Committee.

139. Every petition against a Private Bill shall be referred to the Select Committee on

such Bill, and shall distinctly specify the grounds on which the petitioners object thereto

140. Every Select Committee on a Private Duties of Select Bill may hear counsel if it be desired, and Private Bills. may also take such oral or other evidence as they may think requisite, and may decide on matters in issue between the persons conducting and opposing the Bill. After which, the question shall be put from the chair, "That this preamble stand part of the Bill?" if the Committee should be of opinion that the preamble has not been satisfactorily proved, the Chairman shall report to that effect, which shall be fatal to the Bill: but, if it be carried that the preamble stand part of the Bill, the several clauses of the Bill may be proceeded with, and the amendments, if any, carefully noted for report to the Council; care being taken that no clause be inserted, or amendment made in the Bill which shall be foreign to the import of the notice hereinbefore required.

141. Private Bills coming to the Council the Private Bills from House of first time from the House of Assembly, if Assembly, with Report of Select accompanied by printed copies of the Reports Committees thereon, conand Proceedings of the Select Committees to Bills.



#### COMMUNICATIONS BETWEEN

which they have been referred, shall be proceeded with in all respects as Public Bills presented in pursuance of leave granted, unless the Council shall otherwise order.

## CHAPTER VI.—COMMUNICATIONS BETWEEN THE TWO HOUSES.

Modes of communication. 142. Communications with the House of Assembly may be by message, by conference, or by Select Committees conferring with each other.

Messages to be signed by President, 143. Every message from the Council to the House of Assembly, shall be in writing, signed by the President, and delivered by the Clerk of the Council.

Messages from the House of Assembly received by Sergeant-at-Arms. 144. Every message from the House of Assembly to the Council shall be received without delay by the Sergeant-at-Arms, at the Bar, and be reported by the President as early as convenient.

Conferences requested by Message. 145. Conferences desired by the Council with the House of Assembly, shall in all cases be requested by message.

Object of conference and number of managers to be stated. 146. In requesting any conference, the message from the Council shall state, in general terms, the object for which the conference is

#### THE TWO HOUSES.

desired, and the number of managers proposed to serve thereon.

- 147. Every notice of motion for requesting Motion for conference to contain the names of the tain names of Members proposed by the mover to be the managers for the Council.
- 148. If, upon such motion, any one Mem-Managers may be appointed by ber shall so require, the managers for the ballot.

  Council shall be selected in the same manner as the Members of a Select Committee.
- 149. During any conference the business During conference, business of the Council shall be suspended.
- 150. Every conference shall be taken to Conferences, ordinary conference," unless a "Free ferences unless otherwise Conference" be in terms mentioned.
- 151. No conference shall be requested by By whom conference dethe Council upon the subject of any Bill or manded. motion of which the House of Assembly is at the time in possession.
- 152. The managers to represent the Council, Number of in a conference demanded by the Council, shall be not less than three at an ordinary conference, and five at a free conference.
- 153. The managers to represent the Council Managers to equal in number in a conference demanded by the House those appointed

#### COMMUNICATIONS BETWEEN

by House of Assembly, of Assembly, shall consist of the same number of Members as those of the House of Assembly.

House agreeing to conference to name time and place. 154. In respect of any conference requested by the House of Assembly, the time and place for holding the same shall be appointed by the Council; and when the Council requests a conference, they will agree to its being held at such time and place as shall be appointed by the House of Assembly, and such agreement shall be communicated by message.

Legislative Council agreeing to conference to receive managers for House of Assembly.

155. At all conferences requested by the House of Assembly, the managers for the Council shall assemble at the time and place appointed, and receive the managers of the House of Assembly.

Communications at conference to be in writing.

156. At all ordinary conferences, the matter to be communicated by the managers for the Council shall be in writing; and the managers for the Council shall not receive any communication from the managers for the House of Assembly unless the same be in writing.

Proceedings at ordinary conference. 157. At all ordinary conferences, the duty of the managers for the Council shall be confined to the reading of the reasons or resolutions to be communicated by them, and deli-

vering the same to the managers for the House of Assembly, or to the hearing read by, and receiving from, the managers for the House of Assembly, the reasons or resolutions communicated by the latter.

158. After two ordinary conferences, a free Free conference when held and conference may be desired, at which the how conducted. managers for the Council shall be at liberty to confer freely by word of mouth with the managers for the House of Assembly.

159. In all cases of conference, the managers Proceedings to for the Council shall, when the conference has terminated, report their proceedings to the Council forthwith.

be reported.

160. No Select Committee of the Council Select Committee shall confer with a Select Committee of the by order of House of Assembly without an order of the Council made on motion.

161. When any such order has been made, Conference with Select Committee it shall be communicated by Message to the of House of Assembly de-House of Assembly, with a request that leave sired by Message. may be given to the Select Committee of that House to confer with the Select Committee of the Council.

162. Every Select Committee of the Council Select Committees communidirected to confer with any Select Committee cate by word of mouth.

of the House of Assembly, may confer freely by word of mouth, unless the Council shall otherwise order.

Select Committees of Legislative Council to report proceedings at a Conference. 163. The proceedings of every conference between a Select Committee of the Council and a Select Committee of the House of Assembly, shall be reported in writing to the Council by its own Committee.

## CHAPTER VII.—COMMITTEE OF THE WHOLE COUNCIL.

Quorum in Committee.

164. In Committee of the whole Council the same number of Members shall be necessary to form a quorum as is required in the Council.

Quorum not present, Chairman to leave the chair. 165. If during the progress of business there shall not be a quorum, the Chairman shall immediately leave the chair, and the President shall resume the chair for the purpose of adjourning the Council.

No report to be made if no quorum. 166. When the President shall have resumed the chair on the breaking up of the Committee, owing to the requisite number of Members not being present, the Chairman shall inform the President thereof, but make no further report.

- 167. The rules of the Council shall be ob-Rules of debate in Council observed in a Committee of the whole Council, served in Comexcept the rule limiting the number of times of speaking, and also the rule requiring motions to be seconded.
- 168. The Chairman of a Committee of the Chairman to preserve order whole Council shall be invested with the same in Committee. authority as the President for the preservation of order: but disorder in a Committee shall only be censured by the Council on receiving a report.
- 169. A motion in Committee for its ad- Motion to adjourn Comjournment shall be to the following effect—mittee. "That the Chairman do report progress, and ask leave to sit again." If a motion to that effect be carried, the Chairman shall report to the Council, and ask leave accordingly.
- 170. Each clause of every Bill shall be Clauses of Bills read separately, beginning with the first enact- separately. ing clause and ending with the preamble and title, and the question shall be put by the Chairman that the clause stand part of the Bill.
- 171. All amendments shall be put sepa- Amendments moved rately. separately.

Bill reported.

172. When the Bill shall have been discussed and amended, clause by clause, the question shall be put that the Bill with amendments be reported to the Council.

Reported Bill to be signed by Chairman.

173. The Chairman shall sign a printed copy of every Bill to be reported, with the amendments fairly written thereon, and shall also sign any clauses added in the Committee.

#### CHAPTER VIII.—PREVIOUS QUESTION.

Form of previous question.

174. The previous question, until decided, shall preclude any amendment of the main question, and shall be in the following words:

—"That this question be now put."

No amendment, if previous question carried.

175. If the previous question be resolved in the affirmative, the original question shall be put forthwith without any amendment or debate.

Previous question not allowed in Committee. 176. No motion for the previous question shall be made in Committee.

#### CHAPTER IX.—PETITIONS.

Petitions presented before business of the day. 177. No petition shall be presented after the Notices of Motion be called on, nor after the Council shall have proceeded to the Orders of the Day, except by leave of the Council.

178. Every Member presenting a petition Member presenting petition to shall state that he does not consider the lan-state that it is in respectful language of the petition disrespectful to any guage, &c. branch of the Legislature-from what parties it comes-how many signatures are attached to it—what are its material allegations—and what is its prayer, and shall affix his namethereto; and no member shall present a petition to which his name as a petitioner shall be attached.

- 179. Every petition must contain the prayer Petition to contain a praver. 'of the petitioners at the end thereof.
  - 180. Every petition must be signed by at Petition to be least one person at the foot thereof, and upon the same sheet or skin as that upon which the prayer of the petition has been inscribed.

181. All petitions shall be received only as Petition to be the petition of the parties signing the same.

received as from parties signing

182. Every petition shall be signed, per-Petitions, how sonally, by the petitioner, and shall not be signed by deputy, except under power of attorney, or in cases of sickness; and in all such instances, the person actually signing shall affix his own name, as well as that of the person for whom he signs. Persons not knowing how to write shall affix their marks

to be signed.

in the presence of a witness, who shall, as such, affix his name.

Petitions of Corporations under seal.

183. Petitions of Corporations aggregate must be under their common seal.

No document to be attached.

184. No letter, affidavit, or other document shall be attached to a petition unless such petition relates to a Private Bill.

No discussion

185. Every petition which, according to the allowed on presenting petition. rules of the Council, can be received, shall be brought to the table by the Member presenting the same, and no discussion upon the subject matter thereof shall be allowed.

Question on presentation of petition.

186. The only question entertained by the Council on the presentation of a petition shall be-"That the petition be received," except that in the case of such petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matters contained in such petition may be brought into discussion on the presentation thereof.

Petition read.

187. Upon motion being made and duly seconded, the petition shall be read.

Petition printed.

188. No petition shall be printed unless the Member moving the printing thereof shall state it to be his intention to make a motion upon the subject to which that petition shall relate.

189. No petition, the prayer of which is No petition for for a distinct grant of money, shall be re- to be received. ceived by the Council.

# CHAPTER X.—MESSAGES FROM THE GOVERNOR.

## [As amended, 11th May, 1865.]

190. Whenever any Message from the Governor's Governor is announced, the business before delivered. the Council shall be suspended; and the bearer of the Message be introduced, to deliver the same to the President at the Bar. A member of the Government, being the bearer of a Message from the Governor, may deliver such Message from his place in Council.

to present an address to Her Majesty, to be signed by either House of the Imperial Parliament, or President. to the Governor, the same shall be proposed on motion, after notice in the usual manner, and shall be signed by the President.

Addresses to members of Royal Family how proposed and signed. 193. Addresses of congratulation and condolence to members of the Royal Family shall also be proposed and signed in a similar manner.

Addresses to Her Majesty, &c., how presented. 194. Addresses to Her Majesty, or any member of the Royal Family, shall be transmitted to the Governor by the President, requesting His Excellency to cause the same to be forwarded for presentation.

Addresses to Imperial Parliament how presented. 195. Addresses to either House of the Imperial Parliament shall be forwarded in a similar manner for presentation, or, by vote of the Council, be transmitted for that purpose by the President to some Peer or Member of Parliament.

Addresses to Governor how presented. 196. Addresses to the Governor shall be presented by the President, unless ordered to be presented by the Council in a body, or by a deputation of Members named for that purpose.

Governor's reply to address how reported to Council.

197. When an address has been presented to the Governor by the whole Council, the answer of His Excellency shall be reported by the President; but if by a deputation, then by the Member first named thereon.

198. Whenever circumstances may render Joint addresses agreed to at a it expedient to present a joint address from conference. both Houses, and a form of address shall have been agreed upon in the usual manner, upon motion after notice (a blank having been left for the title of the House of Assembly), a conference shall be requested with that House, in order to communicate it, and obtain their concurrence.

- 199. The address, when finally agreed upon Joint address to by both Houses, shall be signed by the Pre-President. sident on behalf of the Council.
- 200. Joint addresses to Her Majesty, to Joint addresses to Her Majesty, any member of the Royal Family, or to either &c., how House of the Imperial Parliament, shall be forwarded for presentation in such manner as shall be settled in conference with the House of Assembly.
- 201. Joint addresses to the Governor, if Joint addresses presented in a body by both Houses, shall how presented. be read by the President: but if by a deputation of Members from both Houses, then by such Member of the deputation as shall e named by the President if the proposal r the address originated in the Council, or

by the Speaker if it originated in the House of Assembly.

#### CHAPTER XII.—CONTEMPT.

Absence without leave.

202. Any Member not attending in compliance with an order for the call of the Council, or who shall absent himself for more than one calendar month at a time, without leave of the Council, and having no reasonable excuse for such non-compliance or absence, shall be held guilty of contempt.

Disobedience to order of Council, &c.

203. Any Member who shall wilfully disobey any order of the Council, or who shall vexatiously interrupt the orderly conduct of its business, shall be held guilty of contempt.

Punishment of contempts.

204. Any Member adjudged by the Council to be guilty of contempt shall be fined, at the discretion of the Council, in a penalty not exceeding Fifty Pounds; and, in default of immediate payment, be committed, by warrant under the hand of the President, for a period not exceeding fourteen days, to the custody of the Sergeant-at-Arms, or such person as the Council shall direct, who shall detain the Member in custody for the period directed, unless sooner discharged by order of the Council, or the fine be sooner paid.

#### CHAPTER XIII.—STRANGERS.

- 205. The President only shall have the pri-Strangers admitted only by vilege of admitting strangers to the body of President.

  the Council Chamber.
- 206. Members of the House of Assembly Admission of shall have the privilege of admission, without House of Assorder, to that part of the body of the Council bar.

  Chamber below the bar, but shall withdraw when divisions are about to be taken.
- 207. At the request of any Member, or at Strangers ordered to his own discretion, at any time, the President withdraw. shall order strangers to withdraw, and they shall immediately withdraw accordingly.

#### CHAPTER XIV .- SUSPENSION OF ORDERS.

208. In cases of pressing necessity, any sessuspended on
sional or standing order may be suspended by notice given,
unless twelve
leave of the Council; but no motion for that Members
purpose shall be made without notice, unless two-thirds of the Members be present.

# CHAPTER XV.—STANDING ORDERS COMMITTEE.

209. A Committee, consisting of five Mem-standing Orders pers, to be called the Standing Orders Com-appointed.

nittee, of whom the President shall be one, hall be appointed at the commencement of ach Session.

#### CHAPTER XVI -- LAPSED QUESTIONS.

Debate in Council resumed at point where interrupted. .

210. If a debate on any motion or order of the day be interrupted by the Council being counted out, such debate may be resumed at the point where it was so interrupted, on motion with notice.

Council may order resumption of debate in Committee. 211. If the discussion of any question in a Committee of the whole Council be interrupted for want of a quorum, the Council may order the resumption of such Committee on a future day on motion upon notice, and the discussion of such question shall then be resumed at the point where it was so interrupted.

Notices, &c., not disposed of to lapse.

212. All notices of motion and orders of the day appearing on the notice papers not disposed of on their proper day, shall be considered lapsed, and can only be brought forward again on a future day by motion on notice.

CHAPTER XVII.—SELECT COMMITTEES.

President or Chairman of Committees not compelled to serve. 213. It shall not be compulsory on the President or Chairman of Committees to serve on any Select Committee.

Select Committees to consist of five Members. 214. All Select Committees shall consist of five Members, unless by leave from the Council; and in case the President or Chairman of Committees shall be elected to serve on a Committee and shall decline so to do, Member or Members, as the case may require, shall be elected instead, in the same manner as the other Members are elected.

### [As amended, 9th May, 1865.]

215. Select Committees shall be formed in Select Comthe manner following—Each Member present elected. shall give to the Clerk a list of the names of such four Members, exclusive of the mover of the motion, as he may think fit and proper to be upon such Committee; and when all the lists are collected, the Clerk, together with the mover and one other Member to be named by the President, shall ascertain and report to the President the names of the four Members having the greatest number of votes; which four Members, together with the mover of the motion, shall compose such Committee. In case of a tie between two or more Members, the President shall determine by lot which shall be chosen. If any such list contain a larger or lesser number of names, it shall be void and rejected.

Chairman, and such Chairman shall only have a casting vote.

Members interested not to

217. No Member shall sit on a Select Committee who shall be directly interested in the inquiry before such Committee.

Members discharged or added, to be named, &c. 218. Any notice of motion for discharging, adding, or substituting Members of Select Committees shall contain the names of such Members; but the Members to be substituted shall, if the Council desire it, be elected by ballot.

Power to call for persons, papers, and records. 219. Special application shall be made to the Council for power to call for papers, persons, and records, and for leave to report the opinion of the Committee from time to time.

Committee lists to be posted conspicuously. 220. Lists of all Select Committees shall be affixed in some conspicuous place in the lobby and Clerk's office.

Three a quorum. 221. In all Select Committees three shall be a quorum.

Committees may sit during adjournment. 222. Select Committees of Council may sit on those days over which the Council is adjourned, but not during the sitting of the Council, unless leave be specially given.

223. It shall be the duty of the clerk in Clerk of Select Committee, his attendance upon Select Committees to con-duties. vene meetings of such Committees, and to summon witnesses, as instructed by the Chairman.

224. The examination of witnesses before Manner in which every Select Committee shall be conducted be examined, &co. as follows, viz.:-The Chairman shall first put to the witness, in writing, in an uninterrupted series, all such questions as he may deem essential with reference to the subject referred to the Committee, according to the mode of procedure agreed on by the Committee. The Chairman shall then call upon the other Members severally by name, in the order of their sitting, to put any other questions, in writing, which may have occurred to them during the examination; and the name of every Member so interrogating a witness shall be noted and prefixed to the questions asked. All replies to questions put shall be in writing; but if the Committee be attended by a short-hand writer, the notes of such short-hand writer shall short-hand reporter. be sufficient for both question and answer.

witnesses are to

225. If after the lapse of a quarter of an Adjournment of Committee for hour from the time appointed for the meet- want of quorum. ing of a Select Committee there shall not be a quorum, the Members present may retire, and the meeting shall be convened by the Clerk for the next business day. No business shall be transacted in any Select Committee if a quorum of Members be not present.

Evidence not to be made public. 226. Evidence taken before Select Committees, and documents laid before them, shall not be made public before having been reported to the Council.

Payment to witnesses.

227. Every Select Committee shall have power to award payment to professional or other witnesses summoned to attend in furtherance of the object for which such Committee was appointed. All such awards to be certified by the Chairman on the face of the account presented for payment.

Members required as witnesses.

228. When a Select Committee of Council desires the attendance of a Member of Council, the Chairman shall request such Member to attend, and he may attend without leave asked. But, should he refuse, the Select Committee shall take no further action, except to report to the Council that such Member had been requested to attend, and had not done so.

229. Should the attendance of a member Members and of the House of Assembly be desired by a of Assembly desired as Select Committee, or other Committee of the witnesses by Council, or the attendance of any officer of Council. the House of Assembly, motion must be made for a message to be transmitted to the House of Assembly requesting leave to be granted.

230. Should the House of Assembly re- Members and quest by message the attendance of a Mem-Council desired ber of Council before a Select Committee of House of the Assembly, the Council may authorize such member to attend, if he think fit. Council, if similarly requested by the House of Assembly, may also instruct its own officers to attend such Committees.

officers of Assembly.

231. It shall be to, duty of the Chairman Chairman to prepare report. of every Select Committee to prepare the report.

232. The Chairman shall read to the Com- Report how mittee, convened for the purpose of considering the report, the whole of his draft report, which, if desired, shall be printed and circulated amongst the Members of the Committee; and, at that or some subsequent meeting of the Committee, the Chairman shall read the draft report, paragraph by

paragraph, putting the question to the Committee, at the end of each paragraph, that it do stand part of the report. A Member objecting to any portion of the report shall propose his amendment at the time the paragraph he wishes to amend shall be under consideration.

Report to be signed by Chairman.

233. Every report of a Committee shall be signed by the Chairman thereof.

On day fixed for report of Committee, final report to be made. 234. On the appointment of every Committee, a day shall be fixed for reporting their proceedings to the Council, and on such day the final report of the Committee shall be brought up by the Chairman, unless further time shall have been previously moved for and granted.

Report, &c., printed on presentation, but no discussion. 235. Upon the presentation of a report no discussion shall take place, but the report shall, on question put and passed, be printed, together with the appendix and reported evidence.

Proceedings taken upon report of Committee. 236. If any measure or proceeding be desired to be taken upon the report of a Committee, such measure or proceeding shall be brought under the consideration of the Council by a specific motion, of which notice shall be given in the usual manner.

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